

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, October 21, 2013 at
6:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Councillor Bruce J. Long, Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

PRESENTATIONS

1. 6:00 PM - Update – Stormwater Steering Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said presentation/update from the Stormwater Steering Committee.

Councillor Adams noted that he and Councillor Santos are members of the Stormwater Steering Committee. Mr. Adams expressed gratitude for the excellent job done by the Consultant and Committee members.

Andrew Reese, Consultant, Representing AMEC Environment & Infrastructure, Inc., reviewed a powerpoint presentation. The presentation gave a Project Overview, Update to Stormwater Management Program including Activities & Costs, a summary of the Steering Committee Meeting, including Concerns, Feedback, Discussion, Public Education and Outreach Messaging. The next meeting will be held on November 18, 2013.

Discussion centered around regulatory regulations driving stormwater, RIDEM having authority over regulations, ability for the Town to clean up streams or brooks, cost per acre for residents and informational meetings for the public.

John Bagwill, 587 Tuckerman Avenue, reviewed the memorandum, entered

here:

2. 6:30 PM - Memorandum of Councillor Adams and Councillor

VonVillas, with enclosures, re: Unified High School Exploratory Committee Presentation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and begin said presentation.

Councillor VonVillas welcomed the School Committee, School Administration and all who attended the meeting. Ms. VonVillas and Councillor Adams presented a powerpoint presentation, which is on file in the Office of the Town Clerk. The presentation answered Why a Unified High School Exploratory Committee should be established, how to implement and a schedule of the committee. Councillor VonVillas explained that the committee is just to explore the possibility of a Unified High School.

Discussion centered around some residents supporting the concept and some not, wanting feedback from the community and wanting more information on a Unified High School.

Antone Viveiros, 110 Indian Hill Road, addressed the Council explaining that children need the best education taxpayers can afford.

Mr. Viveiros expressed concern that if the Committee is formed and meets with another City or Town, then RIGL Chapter 16 will be triggered.

Annie Tatirosian, 4 Bartlett Road, addressed the Council explaining that Newport has a Vocational Technical School and suggests adopting what Newport has and not reinventing the wheel. Mrs. Tatirosian suggests asking businesses for assistance in having students work/train in their environments.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to take a five minute break.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene at 7:17 pm.

PUBLIC FORUM SESSION

3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

No one spoke during this session.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to act as a Board of License Commission.

ACTING AS A BOARD OF LICENSE COMMISSION

4. (Public Hearing Advertised)

Application of Custom House Coffee, LLC dba Custom House Coffee, 797 Aquidneck Avenue for RENEWAL of its Retailer's Class BV Alcoholic Beverage License for the 2013-2014 licensing year.

Public Hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

Councillor Rodrigues inquired if there is still a condition on this license that it cannot be transferred.

Town Solicitor Michael Miller, responding to Councillor Rodrigues,

explained that the condition placed on the license by the Zoning Board is in effect.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

5. (Public Hearing Advertised)

Application of Royal Plaza, LLC dba Portofino Bar & Grille at Royal Plaza, 425 East Main Road, for RENEWAL of its Class BT Alcoholic Beverage License for the 2013-2014 licensing year.

Public Hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

6. (Public Hearing Advertised)

Application of Andrews At Eastgate, Ltd dba Gold's Wood Fired Grille & Café, 21A Valley Road, holder of a Class BV Alcoholic Beverage License to TRANSFER said 2012-2013 license to Back of the Bus, LLC dba IDA's Restaurant, for use at the same premise.

Public Hearing was declared open.

Councillor Santos inquired the type of restaurant.

Town Clerk Wendy Marshall, responding to Councillor Santos, explained that the only difference between Gold's Wood Fired Grille & Café and IDA's is that breakfast will not be served.

There being no other person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said transfer of license.

7. Application of Back of the Bus, LLC dba IDA's Restaurant, 21A Valley Road, for RENEWAL of its Retailers Class BV Alcoholic Beverage License for the 2013-2014 licensing year. (Requires Advertising for Public Hearing)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said application and advertise for public hearing for November 18, 2013, regular meeting of the board.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene as a Town Council.

CONSENT

8. Approval of Minutes, re: Regular Meeting, October 7, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said minutes.

9. Email communication of Louise R. Phaneauf, Burrillville Town Clerk, with enclosure, re: Supporting Middletown resolution – The concept of bringing the Retired Aircraft Carrier USS John F. Kennedy to Newport County.

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to receive said email communication.

10. (Continued from Regular Meeting, July 15, 2013)

(Continued from Regular Meeting, June 17, 2013)

Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation. (The Administration requests to continue this matter to November 18, 2013, Regular meeting of the Council)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said matter to the November 18, 2013, Regular meeting of the Council.

11. (Continued from October 7, 2013, Regular Meeting)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of

Middletown, Title III, Administration, Chapter 36, Fee Schedule, Section 45, Burial Lots. (The Administration requests to continue this matter to November 4, 2013, Regular meeting of the Council)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said matter to the November 4, 2013, Regular meeting of the Council.

12. Application of Custom House Coffee, LLC dba Custom House Coffee, 797 Aquidneck Avenue for RENEWAL of its Victualling House License for the 2013-2014 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

13. Application of Royal Plaza, LLC dba Portofino Bar & Grille at Royal Plaza, 425 East Main Road for RENEWAL of its Victualling House License for the 2013-2014 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

14. Application for Special Event Permit from Middletown High School for the 2013 Homecoming Parade from MHS – Valley Road – East Main Road – Wyatt Road, Turner Road to Gaudet Athletic Complex, October 25, 2013 beginning at 5:00 pm. (No fee per ordinance 100.03 – Events sponsored by the Town)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event permit.

LICENSES & PERMITS

15. Application of Back of the Bus, LLC dba IDA's Restaurant, 21A

Valley Road, for a Victualling House License for the 2013-2014 licensing year (NEW)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

16. Application of Delops, Inc. dba D'Angelos Grilled Sandwiches, 401 West Main Road, for a Victualling House License for the 2013-2014 licensing year (NEW)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

ORDINANCE

17. An Ordinance of the Town of Middletown (Second Reading)

An

Ordinance in Amendment of the Town Code of the Town of Middletown, Title IX, Chapter 90 Animals, Section 90.20 Definitions and Section 90.27 Places Prohibited to Dogs.

Councillor Santos noted that a dog trainer on School property and at the West Main Road recreation field was having issues with loose dogs, while conducting dog training classes. Ms. Santos requests signage for no unleashed dogs on the School property.

Councillor Rodrigues noted that the amendment allows for a permit to be obtained for dogs on school yards or on school property.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

OTHER COMMUNICATION

18. Communication of Timothy D. Brown, VP Middletown Athletic Boosters Club, re: Requesting support for the 4th Annual Soccer on the Turf Fundraiser to be held on November 3, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and approve a donation of a Bronze Sponsor (\$250.) to the Athletic Boosters Club for the 4th Annual Soccer on the Turf Fundraiser to be appropriated from the Council President's Discretionary Fund.

TOWN ADMINISTRATOR COMMUNICATIONS

19. Memorandum of Town Planner, thru Town Administrator, with enclosure, re: Small Business Saturday, November 30, 2013.

Acting Town Administrator Lynne Dible reviewed the memorandum, entered

here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Jody Sullivan, Executive Director of the Newport County Chamber of Commerce, addressed the Council expressing support for Small Business Saturday, noting the Chamber will be participating and working with the Town.

Robert Silva, Chair of the Middletown Economic Development Committee, noted support for the Small Business Saturday and passage of a resolution supporting Small Business Saturday, November 30, 2013.

Council President Semonelli noted support for Small Business Saturday, explaining that these businesses are our friends and neighbors and it is good for consumers to see local merchandise.

20. Memorandum of Accounting Manager, thru Finance Director, re: Quarterly Tax Collector's Report as of 09/30/2013 – Town of Middletown.

Discussion centered around letting residents know about bill adjustments, new bills, the collection rate has increased from two years ago, sewer maintenance, motor vehicles trending down, and it is best to review the collection rate in the second quarter.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and report.

APPOINTMENTS TO BOARDS & COMMITTEES

21. Appointment of one (1) member to the Middletown Committee for the Arts for term expiring April 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Kelly Ganser to the Middletown Committee for the Arts to complete a term expiring April 2014.

22. Appointment of two (2) members to the Beach Commission for terms expiring November 2015.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Henry A. Pine and appoint Gary Lapidis to the Beach Commission for terms expiring November 2015.

23. Appointment of two (2) members to the Library Board of Trustees for terms expiring September 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Stephen Edwin Arendt and Sarah M. Gauch to the Library Board of Trustees for terms expiring September 2016.

24. Appointment of two (2) members to the Open Space and Field Committee for terms expiring November 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint George Mason Hawes and Austin B. Prendergast to the Open Space and Field Committee for terms expiring November 2016.

25. Appointment of one (1) member to the Personnel Board for term expiring December 2016.

On motion of Vice President Sylvia, duly seconded, it was voted to appoint Mike Taber to the Personnel Board for a term expiring December 2016; Councillor Santos did not vote.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 7:36 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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